THE BAY AREA PARTNERSHIP

November 29, 2004 10:00 am to 12:20 pm

Preservation Park, Niles Hall 1233 Preservation Park Way Oakland, CA. 94612

AGENDA

Item 1: 10:00 am Call to Order (Chair Mike Scanlon¹)

Item 2: 10:05 am Approval of Meeting Minutes of September 30, 2004

ACTION ITEMS

Item 3: 10:10 am Board Administration

• Recommendations from Partnership Technical Advisory Committee (PTAC) on Transbay Joint Powers Authority's request for membership on the Partnership Board

Item 4: 10:20 am **Transit Capital Priorities Task Force Recommendations**

Chair Mike Scanlon will present and request approval for the Task Force's recommendation regarding two key issues:

- Overall federal transit funding programming criteria
- Regional policy for "preventive maintenance"- the ability to use federal transit capital funds for operating purposes.

Item 5: 10:40 am Second Cycle STP/CMAQ Programming Update - Transit Element.

MTC staff will request approval of a proposal to apportion roughly 80% of STP transit element funds for FY 2005-06 and FY 2006-07 to BART's fleet replacement, and distribute the balance of STP funds to all other transit operators based on proportional score 16 need for the FY 2005-06 and FY 2006-07 FTA formula programming. The Partnership Technical Advisory Committee has requested that the Board take action on this item.

INFORMATION ITEMS

Item 6: 11:00 am

Legislative Update (Randy Rentschler, MTC)

November Election Results:

MTC staff summary provided as information.

• MTC draft 2005 Legislative Program (Members): The Partnership Legislative Committee will review and provide feedback to MTC's draft 2005 legislative program prior to the November 29th Board meeting. Staff representatives will update the Board on those discussions; additional comments are sought from the Partnership prior to a final program being taken to the Commission for adoption in December.

¹ Mike Scanlon 650 508 6221 email: scanlonm@samtrans.com - Chair Suzanne Wilford 707 565 5373 email: swilford@sonoma-county.org - Vice Chair

INFORMATION ITEMS CONTINUED

Item 7: 11:15 am Transportation 2030 Issues: Freight (Doug Kimsey, MTC/Rick

Wiederhorn, Port of Oakland)

A significant new issue being addressed as part of the Transportation 2030 Plan is freight movement. Doug Kimsey will brief the Board on MTC's recently completed regional freight study- Phase one, which will provide a backdrop for a presentation by the Port of Oakland on key issues facing this

significant player in the Bay Area's transportation network.

Item 8: 12:15 pm Partnership Board agency items: Suggestions for next meeting agenda

(Mike Scanlon/Board)

Item 9: 12:20 pm Adjourn for Lunch/Next Meeting

Lunch Provided

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Record of Meeting

Partnership Board: September 30, 2004

1. Minutes of July 13, 2004- Approved.

2. Board Administration

- Chair Mike Scanlon and the entire Board thanked Mike Zdon for his service as past chair.
- Dennis Fay nominated and the Board elected unanimously Suzanne Wilford, Sonoma County CMA executive Director, as the Board vice-chair.
- Maria Ayerdi, Transbay Joint Powers Authority, requested that the Board consider extending membership to the JPA (a letter was provided outlining this formal request.) Board members offered several comments, including:
- Inclusion of the TJPA as a formal voting member raises the question of whether similar status should be extended to other Joint Powers Authorities.
- The JPA should be included because of the magnitude and regional significance of the facility it is overseeing.
- Local streets and roads were permitted to join the Partnership after consideration and recommendations by the technical committee.
- TJPA's request should take into account its status as a FTA grantee. It was moved and seconded to send this request to PTAC for a formal recommendation back to the Board at its November meeting.
- PTAC reorganization: Mike Scanlon commented that the PTAC was going to take a more substantive role in the development of the Board agenda, and the Board would likewise use them more as a forum to vet out issues and craft recommendations for Board consideration. This membership request would be handled this way.

3. Transit Capital Priorities (TCP) Task Force

Chair Scanlon, who also chaired the Task Force reported on discussions to date. He reported that the three GMs that are part of the Caltrain JPB group met on September 23rd, and made a recommendation to adopt a version of what had been outlined to the Board as TCP apportionment model #3: Multi-county agreement with 10% ridership set aside. He indicated that discussions were continuing with respect to how the 10% set aside would be distributed, based on ridership or some other factor(s). Therefore, this was only an informational item-- the Task Force would meet again and bring a final recommendation to the Board at its next meeting.

- Dennis Fay requested more information on how this would impact STP/CMAQ or STIP funding, in terms of what ultimately would remain un-funded after assignment of the FTA 5307/5309 revenue sources. It was agreed that MTC staff would try to provide this analysis for the task force to consider.

Mike Scanlon then reported on efforts to develop a preventive maintenance policy. In trying to reach consensus, the Task Force recommended that the current regional policy essentially remain intact; that is, preventive maintenance would be considered under two scenarios:

- The requesting operator would have to swap out a like dollar amount of capital

projects from the TCP program, for the entire replacement cycle of those projects; or - The requesting operator would have to negotiate a preventive maintenance funding arrangement among the other operators in its urbanized area. This recommendation, too, would come back to the Board for final approval at the November meeting.

4. Legislative Update

- Board member representatives whose agencies were sponsoring a dedicated transportation tax measure on the ballot made brief presentations on current status. Reports were heard from AC Transit, BART, Contra Costa, Marin, San Mateo, Solano and Sonoma.
- Steve Heminger briefly presented what was happening in Washington and Sacramento. There has been another 6 month extension of TEA-21, Congress having failed to reach any conclusion on reauthorization. Further actions will depend on the make-up of the Administration and Congress post-November elections. Key bills signed by the Governor included hybrid vehicles on HOV lanes, approval of a pilot HOT lane project in the Sunol grade corridor.
- Steve Heminger then presented a brief update on the Bay Bridge funding, noting that it was expected that the State that day would announce rejection of the sole bid on the self-anchored suspension span (SAS). It was further anticipated the State would announce a two-pronged follow-up: 1) redoing the SAS package to re-bid; and 2) taking approximately 6 weeks to consider other options, including redesign. Steve noted that Bechtel's analysis for BATA did not indicate substantial savings with a cable-stay redesign, noting the potential for significant delays, and the fact that the skyway approach was already under construction. There was considerable discussion among the Board members, including the following comments:
- The region should support the state decisions, with the intent of pursuing the most cost-effective bridge, whatever the ultimate design—safety should be the main consideration.
- No good choices seem to be in front of us—all options have downsides and delay.
- The Commission has gone on record supporting the SAS, as the most expeditious way to construct this essential safety project.
- Expecting a reliable redesign proposal in 6 weeks is very unrealistic.
- State has to pay a share of the costs; the region should be supported on that basic point.
- At the end of the day, we owe it to Bay Area residents to resolve this as soon as possible—an earthquake may be just around the corner...
- Bob McCleary summarized the "Rescue Transportation" proposal being sponsored by the Self-Help counties. There were several comments provided that he will bring back to the authors' for consideration, along with other comments being sought around the state. The hope is to have a final document by February 2005.
- 5. Transportation 2030 Plan/Access to Mobility Goal MTC staff made a brief presentation on the long range plan. Doug Kimsey reported on the schedule for completing the draft plan, scheduled for end of October (Note: the draft plan was subsequently delayed until November 12, 2004). Therese

McMillan reported on the work of the Access to Mobility Task Force, which had been advising the plan's elements related to transportation need of low-income, elderly and disabled populations. She highlighted the Commission's decision in July to target \$216 million in "Lifeline" funding to transportation improvement for low-income communities. She reviewed proposed "calls to Action" to be included in the draft. Board comments included:

- Lifeline transportation options need to be coordinated with transit operator service plans.
- Community based transportation planning has been effective in the 5 pilot areas where it has taken place; this "bottoms up" approach should continue.
- There was a request to clarify MTC's objectives regarding the coordination of low-income transportation issues with land use issues, and how MTC would expect the CMAs to address this as part of the T-PLUS program, as proposed.

6. Transportation/Land Use

James Corless, MTC staff presented the status of the Transit Oriented Development (TOD) study being conducted by MTC and its consultant team Reconnecting America/Center for Transit Oriented Development. The key element relates to the Commission's policy to condition regional discretional funding for transit expansion projects on the provision by local jurisdictions of supportive land uses within the transit corridor and around the stations. The study has helped frame related policy questions on how this might be accomplished; these questions were presented for Partnership Board consideration. Feedback was also being sought from other groups including the MTC Advisory Council and the Transportation/Land Use task force. The Board offered several comments:

- BART is supportive of the effort because it is clear that increase land development densities in transit corridors lead to increased ridership; in addition they welcome MTC's entry into this debate alongside BART's own policies on the subject.
- It was noted that MTC may be ill-equipped to deal with land use issues. Any such policy must be realistic, tailored to specific local situations, and balanced. Market forces must somehow be considered.
- The proposal to fund station area plans with regional funds may not be a good investment—aren't local jurisdictions going to do that anyway?
- It doesn't appear that a lot of comprehensive planning is being conducted around transit stations voluntarily—incentives will likely have to be provided.
- Parameters of success need to be clear; NIMBYism is going to be a perennial issue despite the best of plans.
- The speed of development in some corridors may outpace the ability of transitbased planning to respond to it; transit is too often expected to bring up the rear and support whatever development ultimately emerges
- This is challenging but should be encouraged—CMAs should have a critical role.
- 7. Next Meeting: The next meeting will be set sometime in November—MTC staff will query board members on available dates.

THE BAY AREA PARTNERSHIP

DATE: November 29, 2004

TO: Partnership Board

FR: Partnership Technical Advisory Commitee

RE: Partnership Board Membership – Request by Transbay Joint Powers Authority

The Partnership Technical Advisory discussed the request for membership of the Transbay Joint Powers Authority (TJPA) at both its October and November meetings. The discussion prompted a more broad discussion about the membership of Joint Powers Authorities; the optimal size of the Partnership Board, and the representation of streets and roads on the Board.

Following the initial discussion in October, the group was split over the membership request. There was consensus that if the TJPA was granted membership then to preserve consistency, all joint powers authorities should be granted membership. However, there was some reservation that this would increase the size and adversely affect the workings of the Board. This issue was complicated by a request from the Local Streets and Roads Task Force to increase their representation to nine if additional transit JPAs were added to the Board. The committee requested more information be provided on joint powers authorities.

At the November meeting, with the additional information and letters from both the Congestion Management Agencies (CMAs) and the Local Streets and Roads Task Force, the group voted unanimously to support the CMA recommendation to invite the TJPA to be a voting member of the Partnership Technical Advisory Committee. It is important to note that PTAC works mostly through a consensus process, but on occasion takes votes to gauge support or opposition on contentious topics. The rationale for this position is that the TJPA is already represented on the Board through its member agencies – AC Transit, SF Muni, and Caltrain. This same logic was applied to explain why Caltrain and Capitol Corridor do not have separate membership on the Partnership Board.

For reference, the following agencies/jurisdictions participated in the vote: Marin County CMA, AC Transit, BART, Muni, VTA, Tri-Delta, Solana Transportation Authority, Sonoma County, San Mateo C/CAG, City of Alameda, CCTA, and SFCTA.

THE BAY AREA PARTNERSHIP

DATE: November 29, 2004

TO: Partnership Board

FR: Mike Scanlon, Chair TCP Task Force

RE: Transit Capital Priorities – Distribution of FTA Formula Funds

Background

At the September 30th meeting, the Partnership Board Transit Capital Priorities (TCP) Task Force provided an update to the Board on discussions concerning the TCP programming concepts and preventive maintenance policy. The task force briefed the Board on the three apportionment models: Regional Priority Model, Multi-County Agreement Model, and Multi-County Agreement Model with a 10% flexible set-aside distributed based on total ridership. No recommendation was made pending additional discussion by the TCP Task Force.

On October 26th, members of the Task Force met to discuss the apportionment models. Most members of the Task Force supported the Multi-County Agreement Model with a 10% flexible set-aside, however, no agreement was reached on how to distribute the set-aside. There was also a desire by some members that the Regional Priority Model and the Multi-County Agreement Models (excluding the 10% set-aside) continued to be considered by the Task Force. The Task Force directed MTC staff to work with those members of the Transit Finance Working Group (TFWG) eligible to claim FTA funds to assess various distribution models.

Distribution Options

On November 3rd, MTC staff met with the TFWG members and provided five distribution options for a 10% 5307 set-aside and for a 5% 5307 and 5309 FG set-aside. They included:

- 1. *Total Ridership*: Under this model, the total ridership for each operator is counted in each UA in which an operator is eligible to claim funds.
- 2. *Apportioned Ridership*: Under this model, ridership is apportioned based on how an operator reports their revenue miles to FTA. As an example, BART reports their revenue miles 71.28% in the San Francisco-Oakland UA, 26.14% in the Concord UA, and 2.58% in the Antioch UA. Instead of counting their total ridership, or 97.1 million, in each UA as in Option 2, ridership is apportioned to each UA based on the reporting factor.
- 3. *Cost per Passenger*: Under this measure, the smaller the measure the better the performance. In order to reward operators with the best performance, each operator's measure was subtracted from the poorest performance measure in this category (or \$10.23 per passenger), which results in giving the best performance the highest distribution amount.
- 4. *FTA Revenue Factors*: Under this model, the set-aside is distributed on FTA revenue factors bus tier and fixed guideway tier. Factors included in the analysis are revenue

TCP Recommendation November 29, 2004 Page 2 of 2

vehicle miles, passenger miles, and operating cost. Small urbanized area set-asides are distributed on a rough estimation of population and population density.

5. Hybrid – FTA Revenue Factors and Apportioned Ridership (weighted equally)

The majority of the TFWG participants recommended the hybrid distribution option.

Attachment A shows the 10-year share of FTA Section 5307 and 5309 Fixed Guideway (FG) funding by operator for each of the three programming models.

Recommended Approval

The Partnership Board is being asked to take action on the following items:

- 1) Endorse the Multi County agreement Model with a 10% flexible spending set-aside to be distributed based on a hybrid of apportioned ridership and FTA service factors. This policy guidance would be used to program the FTA Section 5307 and 5309 FG funds.
- 2) Approve the Preventive Maintenance Policy. This policy would maintain preventive maintenance as a score 9 funding priority. The policy formalizes approval for preventive maintenance requests to meet budgetary shortfalls. Under this policy, an operator can claim preventive maintenance under two options: *capital exchange* or *negotiated agreement*. Attachment B is the proposed policy language.

Attachment 3A: Transit Capital Priorities Programming Models

Operator	Regional Priority Model	MultiCounty Agreement Model	Multi-County Agreement Model with 10% Flexible Set-aside
AC Transit	9.6%	8.7%	8.4%
ACE	1.1%	1.1%	1.1%
BART	20.4%	19.6%	20.4%
Benicia	0.1%	0.1%	0.1%
Caltrain	14.1%	12.1%	11.9%
CCCTA	2.5%	2.3%	2.1%
ECCTA	1.2%	1.1%	1.1%
Fairfield	0.6%	0.6%	0.6%
GGBHTD	7.8%	7.2%	6.9%
LAVTA	1.4%	1.3%	1.3%
Muni	21.9%	20.6%	21.0%
Napa	0.5%	0.4%	0.4%
Samtrans	6.4%	5.8%	5.4%
SR City	0.8%	0.8%	0.7%
Sonoma	0.4%	0.4%	0.4%
Union City	0.3%	0.3%	0.3%
Vacaville	0.4%	0.4%	0.4%
Vallejo	1.2%	1.1%	1.1%
VTA	8.6%	15.6%	15.6%
WestCat	0.6%	0.5%	0.5%
Total	100%	100%	100%

Notes:

- 1) The Regional Priority Model first constrains regional capital need to regional funds available, then apportions projects based on urbanized area eligibility and availability of funds. First priority is given to operators with UA exclusivity, second priority is given to operators claiming in only one UA, then two UAs, three UAs, etc. (MTC Resolution 3580).
- 2) The Multi-County agreement is built on the Regional Priority Model but honors multi-county apportionment agreements between operators. Currently, only one agreement, the Joint Powers Board Joint Powers Agreement, alters the programmin outcome. Under this agreement, Caltrain projects are apportionment 66.6% in SFO UA and 33.3% in San Jose.
- 3) The Multi-County Agreement with a 10% set-aside first takes 10% from each urbanized area amount and then redistributes this amount to operators based on a hybrid of ridership apportioned by FTA revenue mile reporting and revenue service factors.
- 4) The programming models are based on capital data submitted by transit operators specifically for TCP discussions for the FYs 2006-2015.
- 5) The total estimated FTA Section 5307 and 5309 FG revenues available for the 10 year period (FY 2006-2015) is \$3.01 Billion.

Attachment 3B: Preventive Maintenance Funding for Operating Purposes

Preventive maintenance will be considered a score 9 funding priority in Transit Capital Priorities, unless a fiscal need exists and can be demonstrated accordingly by the requesting operator based on the guidelines outlined below. MTC must declare that a fiscal need exists to fund preventive maintenance where such action would displace higher scoring capital projects ready to move forward in a given fiscal year. A fiscal need can be declared if the following conditions exist:

- An operator can demonstrate in a board-approved budget or budget assumption that a shortfall exists; this budget or budget assumption must consider MTC's latest adopted fund estimate and/or Short-Range Transit Plan forecasts for transit-specific revenues.
- An operator must demonstrate that all reasonable cost control and revenue generation strategies have been implemented and that a residual shortfall remains.
- An operator can demonstrate that the shortfall, if not addressed, would result in a significant service reduction.

The Commission will consider the severity of the shortfall and the scope and impact of the service cuts in determining whether fiscal need exists. Operators establishing a fiscal need must also adhere to the following four requirements in order to be eligible to receive funding for preventive maintenance:

- 1. Operators must successfully show a board approved bridging strategy that will sustain financial recovery beyond the year for which preventive maintenance is requested.
- 2. The bridging strategy should not rely on future preventive maintenance funding to achieve a balanced budget. In other words, should a service adjustment be required to balance the budget over the long run, preventive maintenance should not be invoked as a stop gap to inevitable service reductions.
- 3. Funds programmed to preventive maintenance should not be considered as a mechanism to sustain or replenish operating reserves.
- 4. Operators requesting FTA formula funds to meet operating shortfalls will be limited to two years preventive maintenance funding within a 12-year period.

Concepts for Preventive Maintenance Allowance – For an individual operator to make use of preventive maintenance funding, other operators in the region must be able to move forward with planned capital replacement. The following two mechanisms will ensure both protection of capital replacement and flexibility for preventive maintenance:

- o <u>Capital Exchange</u> In this option, an operator could elect to remove an eligible capital project from TCP funding consideration for the useful life of the asset in exchange for preventive maintenance funding. The funding is limited to the amount of capital funding an operator would have received under the current TCP policy in a normal economic climate. If an operator elects to replace the asset removed from regional competition for funding under these provisions earlier than the timeline established for its useful life, the replacement will be considered an expansion project.
- o <u>Negotiated Agreement within an Urbanized Area</u> In the second option, an operator may negotiate with the other operators to receive an amount of preventive maintenance funding, providing that a firewall is established between the affected urbanized area(s) and all other urbanized areas. This will ensure that other operators' high-scoring capital replacement projects are not jeopardized.

The requesting operator will enter into an MOU with MTC and, if applicable, other transit properties affected by the preventive maintenance agreement. The agreement will embody the four eligibility requirements outlined above as well as any other terms and conditions of the agreement.

THE BAY AREA PARTNERSHIP

DATE: November 29, 2004

TO: Partnership Transit Capital Priorities Committee

FR: Steve Heminger

RE: Second Cycle (FYs 2005-06 and 2006-07) STP-CMAQ Transit Capital

Programming Recommendation

Background

According to the findings in Phase 1 of Transportation 2030, the Federal Transit Administration (FTA) Section 5307 and 5309 Fixed Guideway (FG) programs will only fund roughly \$7 billion of the \$11 billion in score 16 transit capital projects during the Transportation 2030 period. Including local operator funding sources, there is still estimated to be a \$1.3 billion score 16 shortfall. In particular, Phase 1 identified BART as having the largest overall capital shortfall and the largest score 16 shortfall of over \$1.0 billion. Based on the policy direction established in Phase 1 of Transportation 2030, regional funds – both STP/CMAQ and RTIP – would be needed to meet these score 16 need over the 25-year period.

At the August 16th Partnership Technical Advisory (PTAC) Meeting, MTC staff introduced a proposal for programming the Transit Capital element of the Second Cycle STP-CMAQ program that directed funding towards those operators showing a capital shortfall in Transportation 2030, which would require reserving 83% of the funds to begin addressing BART's shortfall.

A more careful review of the transit inventory showed that BART's \$2 billion car replacement from 2015 to 2019 was the primary driver of BART's transit capital need. To more directly address BART's shortfall, the staff proposal recommended establishing a sinking fund to finance BART's car replacement. In the near term, to address cash flow needs, the funds would be directed towards another BART project, such as BART's seismic project, with the idea that either Regional Measure 2 (RM2) or BART local funds would be held in reserve to fund the BART car project. It should be noted that any creative financing mechanism that uses RM2 funds will not change the amount of funding allocated to RM2 projects in the voter approved expenditure plan or the schedule for delivering those projects.

While most operators were supportive of establishing a sinking fund as a proactive strategy to prepare for funding BART's \$2 billion car replacement, some operators voiced concerns about the distribution of the Second Cycle STP-CMAQ transit funds, which total \$54.8 million. Specifically, the proposal was met with the following concerns:

- Many transit operators currently have outstanding score 16 needs, and there is a mismatch between considering 25-year needs and distributing funding now based on that formula.
- Identifying only BART needs ignores other important regional replacement needs. MTC should explore other lumpy, significant capital projects. As an example, Muni noted that their Breda car replacement is slated to begin in FY 2023.
- Some transit operators believe that flexibility to fund projects below score 16 should be allowed.

• The proposal for non-BART counties is not equitable.

Alternative Programming Proposals

In response to the comments received and further review of the transit capital data, MTC staff looked at several alternative funding distribution options for the non-BART fleet replacement increment. PTAC supported the option that ensures the remaining STP funds— not set aside for BART— were directed at near term score 16 needs. This option will program the \$9.2 million balance of Second Cycle STP funds to operators showing a score 16 shortfall when the FY 2005-06 and FY 2006-07 FTA formula programs have been completed.

The table below summarizes the funding amounts by operator for MTC staff's original proposal and the PTAC's recommendation.

Operator	Original Proposal Based on T2030 Score 16 Shortfall		PTAC Recommendation Delay and Base on Unfunded Score 16 FYs 2006 and 2007 FTA balance	
	\$	%	\$	%
AC Transit	6,061,676	11.1%	unknown	
BART	45,361,528	82.8%	45,361,153	82.8%
Caltrain		0.0%	unknown	
GGBHTD	1,526,262	2.8%	unknown	
Muni		0.0%	unknown	
SCVTA		0.0%	unknown	
Vallejo	1,834,534	3.3%	unknown	
Total	54,784,000	100.0%	54,784,000	82.8%

The PTAC also requested that the Partnership Board endorse this proposal because it represents a policy shift from past programming cycles where funds were generally distributed by county population instead of based on need or Transportation 2030 findings. In addition, it sets the stage for a multi-year agreement on the BART car replacement, which is of regional interest.

Next Steps

If there is consensus on the general distribution framework for the FY 2005-06 and FY 2006-07 transit funds, staff will recommend approval of the STP Transit framework to the Commission in January 2005. The call for projects will be delayed pending the call for projects for the FTA Formula program, expected in Spring 2005. The details of the BART car financing and near-term programming options will be addressed in early 2005.

MTC staff has had initial meetings with BART staff to discuss the long-term financing arrangement for the BART car replacement. It is MTC staff's intent that the following will occur prior to approval of the second cycle STP-CMAQ transit capital programming: 1) a fleet plan for BART's car replacement will be reviewed by MTC and BART boards, and 2) finalize a near-term mechanism for using the federal funds and banking an equal amount for future car costs.



METROPOLITAN TRANSPORTATION

COMMISSION

Agenda Item 6

Joseph P. Bort MetroCenter 101 Eighth Street Oakland, CA 94607-4700 Tel: 510.464.7700 TDD/TTY: 510.464.7769 Fax: 510.464.7848

Memorandum

TO: Partnership Board DATE: Nov. 22, 2004

FR: Deputy Director, Policy

RE: November 2004 Election Results

The 2004 Election brought a great deal of good news for transportation in the Bay Area—the good news of approximately \$5.4 billion in badly needed local monies to address Bay Area congestion. Despite the hefty challenge of generating a two-thirds majority, five of the seven transportation measures on the ballot in our region were successful and a sixth measure, a new ¼ cent sales tax in Sonoma, is ahead as of the date of this memorandum, with a final vote count pending. The table below provides a summary of the results.

Election Results for Seven Bay Area Transportation Measures

(all measures required two-thirds vote approval)

Measure	Approval	Description
AC Transit Parcel Tax (Measure BB) Passed	71.7% (Alameda County) 71.2% (Contra Costa) Total: 71.6%	Extends and increases current parcel tax (from \$24 to \$48 annually) estimated to raise \$120 million. Expires in 2015.
BART Seismic (Measure AA) Passed	69.5% (Alameda County) 76% (San Francisco) 60.4% (Contra Costa) Regional total: 67.9%	Raises property taxes (\$7.04 annually per \$100,000 of assessed value) to issue bonds for BART Earthquake Safety Program. The new \$980 million General Obligation bonds will be paid from property tax revenue. Expires in 2035.
Contra Costa County (Measure J) Passed	70.5%	Half-cent sales tax extension estimated to raise \$2 billion. Expires in 2034.
Marin County (Measure A) Passed	70.8%	New half-cent sales tax estimated to raise \$332 million. Expires in 2025.

Measure	Approval	Description
San Mateo County (Measure A) Passed	75.3%	Half-cent sales tax extension estimated to raise \$1.5 billion. Expires in 2033.
Solano County (Measure A) Failed	63.7%	New half-cent sales tax would have raised an estimated \$1.4 billion.
Sonoma County (Measure M) TBD	66.7%** Pending final count	New quarter-cent sales tax estimated to raise \$470 million. Expires in 2025.

^{**} Currently projected to pass

In addition, voters in Napa County approved by 78 percent Measure W, an advisory measure in support of widening Jamieson Canyon from two lanes to four lanes "using a combination of local, state and federal funds."

Voters Reject Propositions 68 and 70. California voters rejected Propositions 68 and 70 by a wide margin, paving the way — *in theory* — for the state to begin repaying transportation loans otherwise scheduled for repayment in FY 2005-06. As part of the budget deal for FY 2004-05, the state agreed to use tribal gaming revenue generated by newly negotiated gaming compacts with five Native American tribes to finance bonds that would repay up to \$1.5 billion in an outstanding loan to the General Fund from the Traffic Congestion Relief Fund. The funds were originally anticipated to become available in January 2005. However, there are developments that jeopardize the amount of this funding, as well as the timing:

Gaming Proceeds May Generate Substantially Less Funding Than Anticipated.

According to the State Treasurer's Office, the bond proceeds may be substantially lower than originally anticipated due to confidentiality pledges contained in the compacts that allow the tribes to shield their financial information from the public. This lack of financial disclosure will result in higher costs as a result of higher interest rates and other provisions to account for the risk, which in turn will lead to lower net proceeds. Therefore, the Treasurer's office has estimated that the bonds will yield \$350 million less than the budget originally anticipated, bringing the total down from \$1.2 billion to \$864 million.

This lower funding level would not affect the amount of funding committed to the Traffic Congestion Relief Program (\$290 million) and the State Highway Account (\$457 million), but it would substantially erode the anticipated funding for the Public Transportation Account and local streets and roads. Instead of receiving \$192 million, local streets and roads could expect \$58.5 million. Instead of receiving \$275 million, PTA would receive only \$58.5 million. It is important to note that this does *not* affect State Transit Assistance (STA) funding as the original loan from the PTA was made from the capital side of the account, and therefore, the repayment does not affect STA funding.

<u>Pending Litigation Threatens Timing of Bond Issuance.</u> In addition, a lawsuit has been filed by the state's card clubs challenging the urgency provision of the legislation that codified the proposal (AB 687, Nuñez). The urgency provision allowed the law to become effective immediately upon the Governor's signature. However, the plaintiff's contend that AB 687 grants geographic monopolies to the tribes and therefore violates Article IV, Section 8 (d) of the California Constitution. That provision bars the Legislature from granting any special privilege or franchise in an urgency statute. According to the Treasurer's Office, "It is highly unlikely that the bonds could be sold unless this legal challenge is resolved in the state's favor."

California State Delegation

California's legislative districts showed no net change in the party split in the State Assembly and Senate. The Senate split remains at 25:15 in favor of Democrats, while the Assembly split remains at 48:32 in favor of Democrats. This means that Democrats will still need to court Republican votes in order to pass a budget or any tax increases by the requisite two-thirds vote. The tables below show the San Francisco Bay Area's new Assembly and Senate delegation. There are five changes in the Assembly and four in the Senate, and there remains only one Republican representative in each of our delegations.

Assembly District	Representative
1	Patty Berg (D)
6	Joe Nation (D)
7	Noreen Evans (D)
8	Lois Wolk (D)
11	Joseph Canciamilla (D)
12	Leland Yee (D)
13	Mark Leno (D)
14	Loni Hancock (D)
15	Guy Houston (R)
16	Wilma Chan (D)
18	Johan Klehs (D)
19	Eugene Mullin (D)
20	Alberto Torrico (D)
21	Ira Ruskin (D)
22	Sally Leiber (D)
23	Joe Coto (D)
24	Rebecca Cohn (D)
27	John Laird (D)
28	Simon Salinas (D)

Senate District	Representative
3	Carole Migden (D)
5	Michael Machado (D)
7	Tom Torlakson (D)
9	Don Perata (D)
11	Joe Simitian (D)
13	Elaine Alquist (D)
15	Abel Maldonado (R)

Bolddenotes new member

United States Congress

Nationally, the Republicans picked up 4 seats in the Senate, which now stands at 55 Republicans, 44 Democrats, and one Independent. The Republicans also picked up four new seats in the House, which now stands at 232 Republicans, 201 Democrats, and one Independent with one race too close to call. The previous Congress was split 228 Republicans, 206 Democrats and one Democrat-leaning Independent. With regard to California, the congressional trend followed the state trend with no change in the party split: California's Congressional representation remains 33 Democrats and 20 Republicans. In the Bay Area delegation, there is only one change: Former Attorney General Dan Lungren replaces Congressman Doug Ose in the 3rd Congressional District in Solano County.

Therese W. McMillan

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Issue	Objective	Comments
1.Seismic Retrofit of Bay Area Bridges	Develop an equitable cost-sharing arrangement for funding cost overruns of toll bridge seismic retrofit projects	Consistent with Commission approval in September of the six point <u>BATA Plan for Action</u> , MTC will work to develop an equitable cost sharing arrangement to finance the \$3.2 billion shortfall for the state's Toll Bridge Seismic Retrofit Program that minimizes delay to these critical public safety projects. Any contribution of additional toll funds must protect the region's existing toll-funded commitments, whether in the voter-approved in Regional Measures 1 and 2 or Resolution 3434, the Regional Transit Expansion Program. If the financing plan includes transferring authority for the existing \$1 seismic toll surcharge from Caltrans to the Commission acting in its role as the Bay Area Toll Authority (BATA), it also should feature an expanded oversight role for BATA.
2.Government Restructuring and Efficiency	A. Support efforts to improve transportation project delivery through organizational reform, greater flexibility in contracting methods and public/private partnerships	Governmental restructuring is expected to be proposed by the Schwarzenegger Administration and reform in the way that transportation projects are delivered in California may well be part of that agenda. Building on some of the recommendations in the California Performance Review (CPR) and the Self Help Counties Coalition proposal, "Rescue Transportation," MTC will work with our transportation partners to support reforms that will squeeze more value out of the Caltrans budget and improve project delivery. However, MTC does not support the elimination of the California Transportation Commission or Caltrans as stand-alone agencies as proposed in the CPR, or the removal of these agencies from legislative oversight, as proposed in the draft "Rescue Transportation" proposal.
		MTC will support administrative or legislative changes at Caltrans to (1) increase the autonomy of districts by vesting decision-making authority for projects with project managers at the district level, (2) remove rigid salary caps to improve recruiting and retention of skilled staff, (3) provide greater flexibility in the types of contracting methods that are allowed under state law, (4) promote use of public/private partnerships, and (5) refocus the department on the importance of its operations and maintenance responsibilities.
	B. Shift responsibility for grade crossings from the Public Utilities Commission to Caltrans	Support the California Transit Association, Caltrain and the Santa Clara Valley Transportation Authority's effort to enact legislation to transfer the Public Utilities Commission's responsibilities for review, approval, and prioritization for grade separation projects to Caltrans. This proposal is also recommended in the CPR.

Issue	Objective	Comments
3. Local Funding	A. Modify MTC's authority to permit a regional road "user fee" instead of regional gasoline "tax" for the Bay Area	Under current law, the MTC has the authority to place a regional gasoline tax on the ballot in the nine Bay Area counties. This authority has never been used, however, due to the fact that it requires a two-thirds majority approval by voters a threshold that polls have shown to be unattainable for a gasoline tax. MTC will sponsor legislation to modify current law to allow the voters to instead impose — with a simple majority approval — a regional road user fee that would be levied on gasoline within the nine counties. Eligible expenditures would be required to pass the legal "nexus" test required for fees.
	B. Increased flexibility for high occupancy/ toll (HOT) lanes	Support the recommendation contained in the California Performance Review that would provide general authorization in state law for regional transportation planning agencies to develop high-occupancy/toll (HOT) lanes, whereby motorists could access carpool lanes without the occupancy requirements by paying a fee. These lanes present a valuable opportunity for generating additional transportation revenue to complete the carpool lane network while also offering motorists a form of insurance against congestion.
	C. Protect local toll revenues	Oppose the California Performance Review proposal to use local toll revenues (between \$7 million to \$10 million annually) for the maintenance of state-owned toll bridges. Time and again, the state has failed to take action needed to raise revenues sufficient to maintain state facilities. This state responsibility should continue to be funded out of the State Highway Account, and not through diversion of voter-approved tolls earmarked for specific local transportation improvements.

Issue	Objective	Comments
4. State Funding	A. Protect Proposition 42 funding	Proposition 42, which passed with 69 percent of the vote, dedicated the sales tax on gasoline to transportation purposes and allows funds to be directed back (or loaned) to the General Fund with a two-thirds vote – an action that has taken place in each of the last three years. Proposition 42 also provided funding for the 159 projects in the Traffic Congestion Relief Program (TCRP) through FY 2007-08. This sunset date creates a shortfall for these projects if funds are ever suspended, instead of loaned. In the Bay Area, less than one-third of the region's total funding for TCRP projects (almost \$500 million of \$1.6 billion) has been reimbursed to date. MTC will support a constitutional amendment (similar to ACA 24 (Dutra), which MTC supported last year) to (1) delete the provision that allows the funds to be suspended, and instead permit Prop. 42 funds to be loaned to the General Fund on the condition that they are repaid within three years, with interest, (2) provide that no more than two loans should be permitted in any 10-year period, and (3) ensure that the statutory commitment to the 159 TCRP projects is fully honored.
	B. Index the state gasoline and diesel fuel tax	The voters last increased California's state fuel tax in June of 1990 via Proposition 111. This measure doubled the state fuel tax to 18 cents, with a 9-cent increase phased in over four years. Since that time, however, California's fuel tax rate has lost 25 percent of its value due to inflation. We are now one of only 15 states below the federal gasoline tax rate of 18.4 cents per gallon, and our state gas tax is well below the national average of 20.2 cents per gallon. Eleven states index all or a portion of their gas tax rate based on either the Consumer Price Index or the price of gasoline. To keep place with inflation and growing mobility needs, MTC will support legislation or a ballot initiative to index gasoline and diesel fuel in California.

Issue	Objective	Comments
5. Traffic Operations	Reduce congestion by improving traffic incident response	Approximately half of all traffic congestion is due to the delay from traffic accidents. To the extent that legislation is necessary, MTC will work with our Southern California counterparts, the California Highway Patrol (CHP), and Caltrans to pass legislation, if necessary, to remove hurdles to a pilot program that would test the benefits of incentive-based payments to tow contractors for clearing major incidents more quickly. Modeled on the Open Roads Policy developed by the Florida Department of Transportation, the program would allow local agencies to reward their rotational tow contractors' bonuses based on their ability to clear up major traffic incidents safely and in a timely manner. Local Freeway Service Patrol agencies would work with the CHP and Caltrans to define specific program operations.
6. Smart Growth	Implement recommendations from MTC-ABAG- BAAQMD Joint Policy Committee	MTC will work to implement recommendations resulting from the MTC-Association of Bay Area Governments (ABAG)-Bay Area Air Quality Management District (BAAQMD) Joint Policy Committee to support legislation that encourages compact, high-density infill development projects near transit stations. This may include (1) an expedited environmental review process for mixed-use infill development projects near transit stations and (2) funding for specific plans near transit stations.
7. Access to Mobility	Expand the Lifeline auto insurance program statewide	Under current law, California residents of Los Angeles and San Francisco counties whose annual household income equals or is less than 250 percent of the national poverty level are eligible for low-cost auto insurance. The insurance is available only to "good drivers" and the premiums are adjusted periodically to ensure that the program requires no subsidy by the insurance companies or the state. For low-income Californians who may need an automobile to access work or training, standard auto insurance premiums can be cost-prohibitive. Currently, there are over 8,000 policyholders of this insurance, 86 percent of whom were uninsured prior to purchasing the low-cost policy. MTC will support efforts to remove the sunset for this program (January 2007) and expand it to all Bay Area counties.

Issue	Objective	Comments
8. Federal Fund Deadlines	Simplify statutes regarding timely use of federal funds	Current state law stipulates that regional transportation planning agencies must obligate the full federal apportionments for Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) within three years of the apportionment distribution to encourage timely expenditure of federal funds. However, the federal government provides only 90 percent of the apportionments in actual dollars to spend in what is known as "obligation authority." We propose to amend state law to correct for this technical error.

Issue	Objective	Comments
TEA 21 Reauthorization — TEA 3	A. Support a six-year reauthorization bill that preserves the basic framework and key principles of TEA 21	Since TEA 21 (Transportation Equity Act for the 21st Century) expired on September 30, 2003, Congress has enacted six extension bills to ensure that federal funds continue to flow to the states, but a full reauthorization bill has yet to be finalized. MTC will work with national and statewide interests to secure a reauthorization bill in 2005 that provides increased funding levels under the same funding framework of TEA 21 and its predecessor, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), and preserves the straightforward themes of flexibility and empowerment of metropolitan areas and local governments through metropolitan planning organizations. We will work to protect TEA 21's "guaranteed" funding structure for both highways and transit, and to strengthen the trust fund Highway Trust Fund features.
	B. Expand tolling and variable pricing programs	In order to provide an option of a congestion-free commute using high-occupancy/toll (HOT) lanes, MTC supports a repeal of the current federal prohibition against tolls on Interstate highways, as proposed in S. 1072, the original 2004 Senate reauthorization proposal. With special federal permission, Southern California roadways, and highways in Texas and Virginia, have successfully implemented variable pricing on HOT lanes, but current federal law allows tolling only on a case-by-case basis. It is time to remove the general restriction and allow the toll revenues to be spent on both transit and highway improvements along the toll corridor. Mass transit services should continue to have free access to HOT lanes.
	C. Protect federal transit funding	MTC will work to retain the current program structure of 40 percent Rail Modernization, 40 percent New Starts and 20 percent for Bus and Bus facilities, and oppose the creation of new programs — such as a "Small Starts" set-aside or broadening New Starts eligibility to non-fixed guideway projects — without a commensurate increase in funding. We will support guaranteed funding levels for both the Mass Transit Account and General Fund portion of transit funding. We will work closely with the New Starts Working Group on proposed changes to the New Starts rating criteria and FTA decision-making process, as sought by the House Appropriations Committee.

Issue	Objective	Comments
TEA 21 Reauthorization — TEA 3 (cont'd)	D. Raise the pre-tax transit/vanpool commute benefit	Under current law, employers may provide their employees with a tax-free subsidy of up to \$100/month for taking transit or vanpooling, while \$195/month is allowed in parking subsidies. This discrepancy results in a skewed incentive towards driving that works against efforts to increase transit ridership. MTC will work with our partners, such as the Association for Commuter Transportation and the American Public Transit Association to raise the commuter choice benefit for transit and vanpools so that it is on par with that provided for parking.
	E. Seek additional funds for Mobility for Seniors and Persons with Disabilities program	Increase funding for the Federal Transit Administration Section 5310 program, which provides capital grants to governmental and non profit organizations to provide assistance in meeting the special transportation needs of elderly persons and persons with disabilities where public transit services are either insufficient, unavailable or inappropriate. Support proposed changes to permit the funds to be used for transit operations.
	F. Seek additional funds for welfare to work and coordinate with Temporary Assistance for Needy Families reauthorization	Transportation issues have emerged as an important factor in the transition from welfare to work. MTC will seek funding increases in the FTA Section 3037 Access to Jobs and Reverse Commute (JARC) program in the TEA 21 reauthorization. In addition, MTC will provide technical assistance to state and national associations and to policy makers involved in the reauthorization of the federal welfare program, known as the Temporary Assistance for Needy Families (TANF) to ensure that transportation issues are addressed effectively. Similar to TEA 21, TANF has been extended multiple times, but not yet reauthorized.
	G. Allow reasonable flexibility in air quality compliance and synchronize timelines	In order to achieve conformity between federal air quality standards and the regional transportation plan major metro areas have used emission reduction strategies called Transportation Control Measures (TCMs). We support allowing for substitution of previously adopted TCMs with newer strategies that can achieve equivalent or greater emissions reductions within a similar timeframe. This proposal is included in both the House and Senate versions of a new federal reauthorization bill.
		In addition, MTC supports changing the transportation planning cycle to every four years, instead of three, and changing the transportation improvement program (TIP) horizon to every four years as well. This would allow for better synchronization of these transportation planning and programming processes.

Issue	Objective	Comments
TEA 21 Reauthorization — TEA 3 (cont'd)	H. Increase funding for metropolitan planning	Since the 2000 census, an additional 46 new metropolitan planning organizations (MPOs) have been created, yet no additional funding has been provided to meet the increased demand for funds. In partnership with the Association of Metropolitan Planning Organizations (AMPO), MTC supports the original Senate proposal to raise metropolitan planning funds from 1 percent to 1.5 percent of the core highway program, including the "minimum guarantee" provisions. We also support changing the planning program to a percentage of the both the highway and transit title, as proposed by the House.
Annual Appropriations	Maximize the flow of U.S. DOT discretionary program dollars to the Bay Area	MTC will continue to advocate, as its top priority, the BART-to-SFO extension to receive funding consistent with the amount stipulated in the Full Funding Grant Agreement (FFGA): \$100 million. In addition, the Commission will continue its advocacy efforts to implement the Regional Transit Expansion Plan, Resolution 3434, by advocating federal New Starts funds for the next generation of Bay Area projects. Those two new projects are a BART extension to Silicon Valley and the San Francisco MUNI's Central Subway.
		Resolution 3434 re-institutes a regional voice into the Section 5309 discretionary bus program, particularly for AC Transit's Berkeley/Oakland/San Leandro Enhanced Bus project. This gives the Commission an advocacy platform for building alliances with transit interests beyond current New Starts projects — a positive step in outreach to our Washington delegation. In addition, we will support efforts to authorize a Bay Area set-aside for ferryboat funding and to increase that program from the current \$38 million annually to at least \$100 million annually to facilitate that Bay Area set-aside. We also support a discretionary bridge earmark to fund seismic retrofit of the Golden Gate Bridge, among other discretionary funding programs.
Transit Security	Seek funding from Department of Homeland Security for Bay Area transit systems	MTC will support Bay Area transit operators' efforts to obtain additional funding for transit security. Consistent with the recommendations of the 9/11 Commission, such funds should be awarded to the transit operators based on the level of risk identified by the Department of Homeland Security, in coordination with the Federal Transit Administration. Additionally, MTC will work to ensure that adequate federal funds are provided to meet new federal security requirements that apply to all operators.

Issue	Objective	Comments
Amtrak and High-Speed Rail	Advocate the continuation of a federal commitment to Amtrak and seek federal high-speed rail investment	MTC will support congressional actions to maintain an adequate federal commitment to passenger rail transportation in America through Amtrak. In addition, as part of a strategy to continue Amtrak, we will seek a federal commitment to fund high-speed rail. As the November 2006 ballot approaches, through which California voters will be asked to approve a \$9 billion dollar investment in high-speed rail, a national commitment to assist in this massive state effort is appropriate.

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Regional Goods Movement Study for the San Francisco Bay Area

presented by
Michael J. Fischer
Cambridge Systematics, Inc.

November 12, 2004



Study Overview

- Purpose
 - Help MTC determine strategic investent needs
 - Understand economic and land use issues for local decisions
 - Input to federal re-authorization and RTP
- Phase 1 Understand current trends and issues
- Phase 2 Develop strategies



Goods Movement Goals

- Ensure economic viability
 - International gateway facilities
 - Regional business international and domestic trade
- Economic delivery of goods and services to residents
- Safety, reliability, and environmental quality of goods movement system and impacts on communities
- Support and enhance Smart Growth strategies

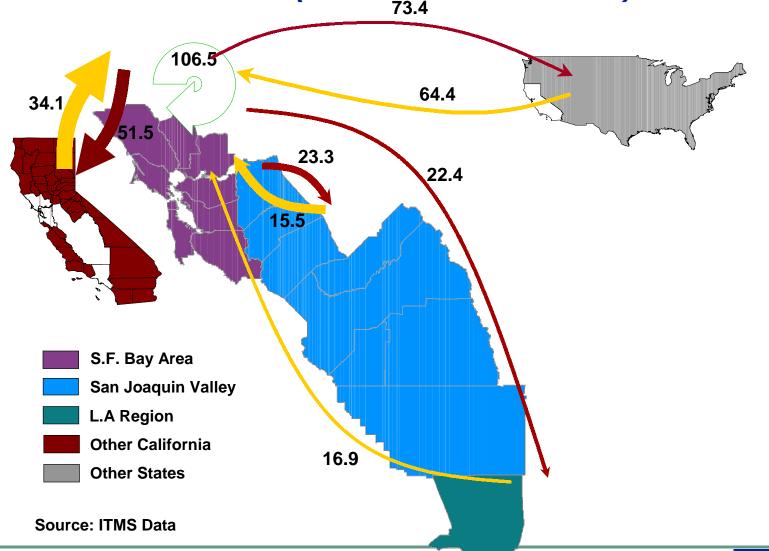


What is Goods Movement in the Bay Area?

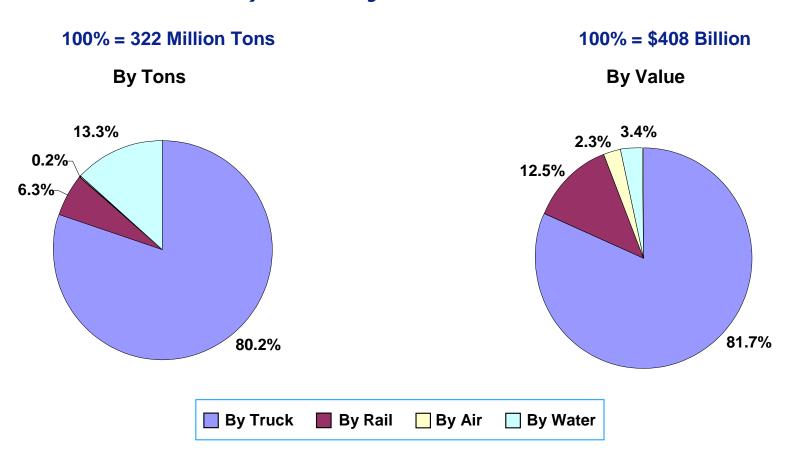
- Local distribution and service trucking
 - Almost 46% of total tons moved stay within Bay Area
 - Truck-oriented
 - Supports local business and consumer markets
- Domestic trade
 - Access to national markets for local manufacturers
 - Long haul network of truck, rail, and air systems
- International trade airports and seaports
 - Fastest growing almost 50% growth from 1993 1999
 - Largest shares consumer imports and high-tech and food exports



Most of the Bay Area's Domestic Trade Flows Stay Within California (Billions of Dollars)



Trucking Carries the Largest Share (by both Tons and Value) of Bay Area Domestic Trade

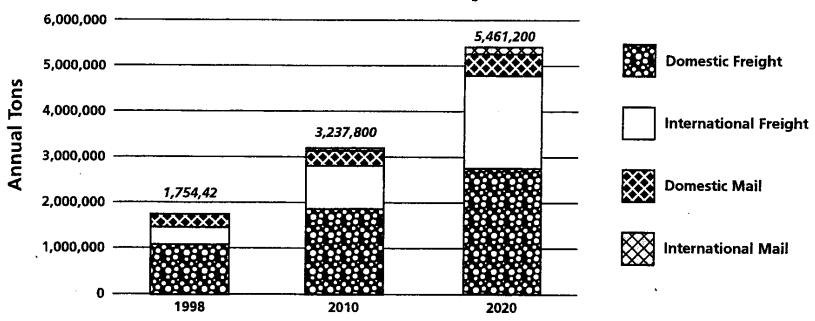


Source: 1996 ITMS Data



Air Cargo Is Fastest Growing Goods Movement Mode

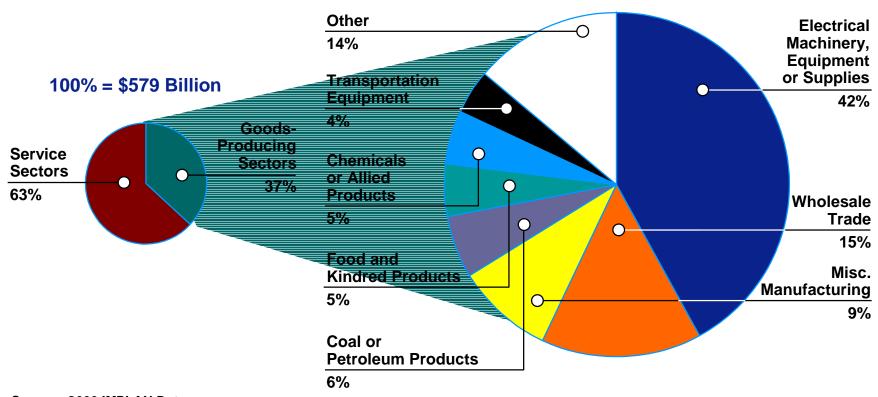
Total cargo tonnage will triple by 2020 to 5.5 million tons annually





Goods Movement-Dependent Industries Are Critical to the Bay Area Economy

100% = \$213 Billion



Source: 2000 IMPLAN Data.



Land Use Policy Issues and Goods Movement

- Lack of affordable land for industrial and truck intensive uses
- Communities planning for higher value uses
- Redevelopment impinges on existing industrial land and reduces access/creates conflicts
- Restrictive regulations limit trucking/industrial operations
 - Parking
 - Truck routing
 - Hours of operation

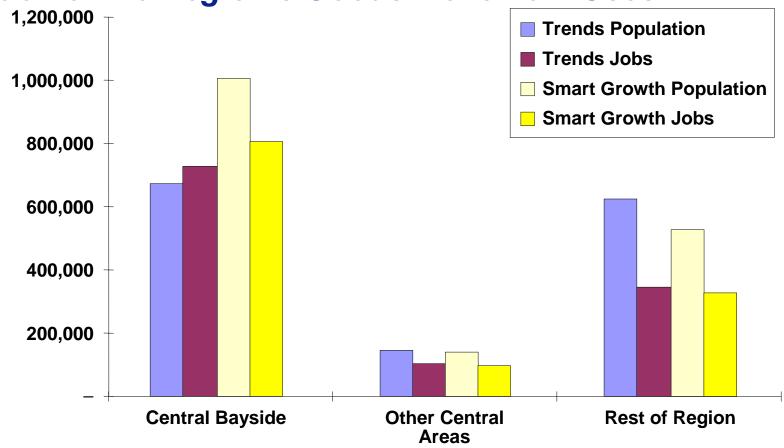


Land Use Policy Issues and Goods Movement (cont.)

- Truck access to inner Bay Area will continue to be needed to support consumer economy
 - Dispersion of goods movement businesses could lead to greater congestion, air quality issues, higher costs
- Industrial component of Smart Growth policies is needed

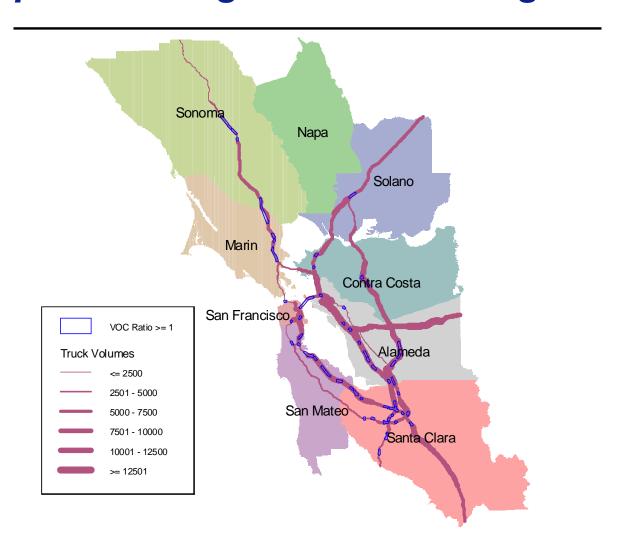


Most Residential and Commercial Growth is Forecast for Central Bayside Locations – This is the Location of Much of the Region's Goods Movement Uses





Many of the Highly Traveled Truck Corridors Also Experience High Levels of Congestion





Regional Goods Movement Issues

- Rail
 - Rail grade crossings (I-880 corridor)
 - Freight/passenger rail capacity issues and access to Port of Oakland
 — Capitol Corridor
- Marine
 - Cargo growth local truck traffic and congestion issues
 - Access to land for support businesses land use conflicts
- Air
 - Peak period congestion and access to expedited delivery
 - Congestion in cross bay connections
 - Landside capacity for support facilities in South SF



Strategic Investment Strategies - Highway

- I-880 Corridor Strategy
 - Bottleneck capacity improvements
 - Public/private information technology systems (ITS)
 - Design deficiency improvements interchange focus
 - Improvements to connecting and parallel arterials
 - Industrial preservation land use strategies
- Inter-Regional Gateway Strategy
 - Capacity improvements on I-580 (e.g., tolled truck lanes)
 - I-80/I-680/SR-12 interchange improvements and truck scale relocation
 - SR-152 upgrades for improved South Bay access



Strategic Investment Strategies – Rail, Marine, Air

- Rail Grade Crossing improvements priority, cost-shared program
- Alternative Modal Services
 - Short Haul Rail (e.g., Shafter)
 - Cross bay freight ferries to support airports
- Port Access Improvements
 - I-880 spot improvements
 - Interchange improvements and connecting arterials
 - Public/Private Information Systems (ITS and private dispatch system integration)



Planning Strategies

- Truck route planning (standards, coordination, and priority funding for maintenance)
- MTC travel model improvements
- Leadership in regional goods movement/land use planning industrial land use elements for Smart Growth
- Technical/Financial Assistance for Goods Movement/Land Use Planning
 - Support best practices

